

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

IN RE:

DENNIS FRIEDT

CV 23-62-BLG-SPW

ORDER

Plaintiff Dennis Friedt filed a document which the Court construed as a complaint pursuant to 42 U.S.C. § 1983, however, the exact nature of his claims was unclear. Mr. Friedt was directed to file an amended complaint on the Court's standard form if he wished to proceed. (Doc. 2.) Mr. Friedt was also advised that he would need to pay the filing fee of \$402, because he had previously brought at least three civil actions or appeals that were dismissed on the grounds that they were frivolous or failed to state a claim. (*Id.* at 1-2.) Mr. Friedt was given 21 days within which to comply with the Court's order. (*Id.* at 3.)


In response, Mr. Friedt filed a notice informing the Court that he had intended his filing for the Ninth Circuit Court of Appeals, but due to a misunderstanding with a clerk at the prison, his documents were inadvertently filed with this Court via the E-filing program. (Doc. 3 at 1.) Mr. Friedt indicates he does not wish to file a new civil action and requests that his case be withdrawn. (*Id.*)

Federal Rule of Civil Procedure 41(a)(1)(A)(i) provides an avenue for voluntary dismissal and Mr. Friedt has demonstrated good cause to support his request. Accordingly, IT IS HEREBY ORDERED:

1. To the extent that Mr. Friedt's Notice (Doc. 3) is construed as a Motion for Voluntary Dismissal, the request is GRANTED. This matter is DISMISSED without prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(B).

2. The Clerk of Court is directed to close this case.

DATED this 27th day of June, 2023.


Susan P. Watters
United States District Court Judge